

Calendar No. 10

109TH CONGRESS
1ST SESSION**S. 200****[Report No. 109-3]**

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2005

Mr. CHAMBLISS (for himself and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 16, 2005

Reported by Mr. DOMENICI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arabia Mountain Na-
5 tional Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Arabia Mountain area contains a vari-
4 ety of natural, cultural, historical, scenic, and rec-
5 reational resources that together represent distinc-
6 tive aspects of the heritage of the United States that
7 are worthy of recognition, conservation, interpreta-
8 tion, and continuing use.

9 (2) The best methods for managing the re-
10 sources of the Arabia Mountain area would be
11 through partnerships between public and private en-
12 tities that combine diverse resources and active com-
13 munities.

14 (3) Davidson-Arabia Mountain Nature Pre-
15 serve, a 535-acre park in DeKalb County, Georgia—

16 (A) protects granite outcrop ecosystems,
17 wetland, and pine and oak forests; and

18 (B) includes federally-protected plant spe-
19 cies.

20 (4) Panola Mountain, a national natural land-
21 mark, located in the 860-acre Panola Mountain
22 State Conservation Park, is a rare example of a
23 pristine granite outcrop.

24 (5) The archaeological site at Miners Creek
25 Preserve along the South River contains documented
26 evidence of early human activity.

1 (6) The city of Lithonia, Georgia, and related
2 sites of Arabia Mountain and Stone Mountain pos-
3 sess sites that display the history of granite mining
4 as an industry and culture in Georgia, and the im-
5 pact of that industry on the United States.

6 (7) The community of Klondike is eligible for
7 designation as a National Historic District.

8 (8) The city of Lithonia has 2 structures listed
9 on the National Register of Historic Places.

10 (b) PURPOSES.—The purposes of this Act are as fol-
11 lows:

12 (1) To recognize, preserve, promote, interpret,
13 and make available for the benefit of the public the
14 natural, cultural, historical, scenic, and recreational
15 resources in the area that includes Arabia Mountain,
16 Panola Mountain, Miners Creek, and other signifi-
17 cant sites and communities.

18 (2) To assist the State of Georgia and the
19 counties of DeKalb, Rockdale, and Henry in the
20 State in developing and implementing an integrated
21 cultural, historical, and land resource management
22 program to protect, enhance, and interpret the sig-
23 nificant resources within the heritage area.

1 **SEC. 3. DEFINITIONS.**

2 For the purposes of this Act, the following definitions
3 apply:

4 (1) HERITAGE AREA.—The term “heritage
5 area” means the Arabia Mountain National Heritage
6 Area established by section 4.

7 (2) MANAGEMENT ENTITY.—The term “man-
8 agement entity” means the Arabia Mountain Herit-
9 age Area Alliance or a successor of the Arabia
10 Mountain Heritage Area Alliance.

11 (3) MANAGEMENT PLAN.—The term “manage-
12 ment plan” means the management plan for the her-
13 itage area developed under section 6.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (5) STATE.—The term “State” means the State
17 of Georgia.

18 **SEC. 4. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

19 (a) ESTABLISHMENT.—There is established the Ara-
20 bia Mountain National Heritage Area in the State.

21 (b) BOUNDARIES.—The heritage area shall consist of
22 certain parcels of land in the counties of DeKalb,
23 Rockdale, and Henry in the State, as generally depicted
24 on the map entitled “The Preferred Concept” contained
25 in the document entitled “Arabia Mountain National Her-
26 itage Area Feasibility Study”, dated February 28, 2001

1 *on the map entitled “Arabia Mountain National Heritage*
 2 *Area”, numbered AMNHA–80,000, and dated October 2003.*

3 (c) AVAILABILITY OF MAP.—The map shall be on file
 4 and available for public inspection in the appropriate of-
 5 fices of the National Park Service.

6 (d) MANAGEMENT ENTITY.—The Arabia Mountain
 7 Heritage Area Alliance shall be the management entity for
 8 the heritage area.

9 **SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
 10 **ENTITY.**

11 (a) AUTHORITIES.—For purposes of developing and
 12 implementing the management plan, the management en-
 13 tity may—

14 (1) make grants to, and enter into cooperative
 15 agreements with, the State, political subdivisions of
 16 the State, and private organizations;

17 (2) hire and compensate staff; and

18 (3) enter into contracts for goods and services.

19 (b) DUTIES.—

20 (1) MANAGEMENT PLAN.—

21 (A) IN GENERAL.—The management entity
 22 shall develop and submit to the Secretary the
 23 management plan.

24 (B) CONSIDERATIONS.—In developing and
 25 implementing the management plan, the man-

1 agement entity shall consider the interests of
2 diverse governmental, business, and nonprofit
3 groups within the heritage area.

4 (2) PRIORITIES.—The management entity shall
5 give priority to implementing actions described in
6 the management plan, including the following:

7 (A) Assisting units of government and
8 nonprofit organizations in preserving resources
9 within the heritage area.

10 (B) Encouraging local governments to
11 adopt land use policies consistent with the man-
12 agement of the heritage area and the goals of
13 the management plan.

14 (3) PUBLIC MEETINGS.—The management enti-
15 ty shall conduct public meetings at least quarterly
16 on the implementation of the management plan.

17 (4) ANNUAL REPORT.—For any year in which
18 Federal funds have been made available under this
19 Act, the management entity shall submit to the Sec-
20 retary an annual report that describes the following:

21 (A) The accomplishments of the manage-
22 ment entity.

23 (B) The expenses and income of the man-
24 agement entity.

25 (5) AUDIT.—The management entity shall—

1 (A) make available to the Secretary for
2 audit all records relating to the expenditure of
3 Federal funds and any matching funds; and

4 (B) require, with respect to all agreements
5 authorizing expenditure of Federal funds by
6 other organizations, that the receiving organiza-
7 tions make available to the Secretary for audit
8 all records concerning the expenditure of those
9 funds.

10 (c) USE OF FEDERAL FUNDS.—

11 (1) IN GENERAL.—The management entity
12 shall not use Federal funds made available under
13 this Act to acquire real property or an interest in
14 real property.

15 (2) OTHER SOURCES.—Nothing in this Act pre-
16 cludes the management entity from using Federal
17 funds made available under other Federal laws for
18 any purpose for which the funds are authorized to
19 be used.

20 **SEC. 6. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—The management entity shall de-
22 velop a management plan for the heritage area that incor-
23 porates an integrated and cooperative approach to protect,
24 interpret, and enhance the natural, cultural, historical,
25 scenic, and recreational resources of the heritage area.

1 (b) BASIS.—The management plan shall be based on
 2 the preferred concept in the document entitled “Arabia
 3 Mountain National Heritage Area Feasibility Study”,
 4 dated February 28, 2001.

5 (c) CONSIDERATION OF OTHER PLANS AND AC-
 6 TIONS.—The management plan shall—

7 (1) take into consideration State and local
 8 plans; and

9 (2) involve residents, public agencies, and pri-
 10 vate organizations in the heritage area.

11 (d) REQUIREMENTS.—The management plan shall
 12 include the following:

13 (1) An inventory of the resources in the herit-
 14 age area, including—

15 (A) a list of property in the heritage area
 16 that—

17 (i) relates to the purposes of the herit-
 18 age area; and

19 (ii) should be preserved, restored,
 20 managed, or maintained because of the sig-
 21 nificance of the property; and

22 (B) an assessment of cultural landscapes
 23 within the heritage area.

1 (2) Provisions for the protection, interpretation,
2 and enjoyment of the resources of the heritage area
3 consistent with the purposes of this Act.

4 (3) An interpretation plan for the heritage area.

5 (4) A program for implementation of the man-
6 agement plan that includes—

7 (A) actions to be carried out by units of
8 government, private organizations, and public-
9 private partnerships to protect the resources of
10 the heritage area; and

11 (B) the identification of existing and po-
12 tential sources of funding for implementing the
13 plan.

14 (5) A description and evaluation of the manage-
15 ment entity, including the membership and organiza-
16 tional structure of the management entity.

17 (e) SUBMISSION TO SECRETARY FOR APPROVAL.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of the enactment of this Act, the manage-
20 ment entity shall submit the management plan to
21 the Secretary for approval.

22 (2) EFFECT OF FAILURE TO SUBMIT.—If a
23 management plan is not submitted to the Secretary
24 by the date specified in paragraph (1), the Secretary
25 shall not provide any additional funding under this

1 Act until such date as a management plan for the
2 heritage area is submitted to the Secretary.

3 (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT
4 PLAN.—

5 (1) IN GENERAL.—Not later than 90 days after
6 receiving the management plan submitted under
7 subsection (e), the Secretary, in consultation with
8 the State, shall approve or disapprove the manage-
9 ment plan.

10 (2) ACTION FOLLOWING DISAPPROVAL.—

11 (A) REVISION.—If the Secretary dis-
12 approves a management plan submitted under
13 paragraph (1), the Secretary shall—

14 (i) advise the management entity in
15 writing of the reasons for the disapproval;

16 (ii) make recommendations for revi-
17 sions to the management plan; and

18 (iii) allow the management entity to
19 submit to the Secretary revisions to the
20 management plan.

21 (B) DEADLINE FOR APPROVAL OF REVI-
22 SION.—Not later than 90 days after the date on
23 which a revision is submitted under subpara-
24 graph (A)(iii), the Secretary shall approve or
25 disapprove the revision.

1 (g) REVISION OF MANAGEMENT PLAN.—

2 (1) IN GENERAL.—After approval by the Sec-
3 retary of a management plan, the management enti-
4 ty shall periodically—

5 (A) review the management plan; and

6 (B) submit to the Secretary, for review
7 and approval by the Secretary, the rec-
8 ommendations of the management entity for
9 any revisions to the management plan that the
10 management entity considers to be appropriate.

11 (2) EXPENDITURE OF FUNDS.—No funds made
12 available under this Act shall be used to implement
13 any revision proposed by the management entity
14 under paragraph (1)(B) until the Secretary approves
15 the revision.

16 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.**

17 (a) IN GENERAL.—At the request of the management
18 entity, the Secretary may provide technical and financial
19 assistance to the heritage area to develop and implement
20 the management plan.

21 (b) PRIORITY.—In providing assistance under sub-
22 section (a), the Secretary shall give priority to actions that
23 facilitate—

1 (1) the conservation of the significant natural,
2 cultural, historical, scenic, and recreational resources
3 that support the purposes of the heritage area; and

4 (2) the provision of educational, interpretive,
5 and recreational opportunities that are consistent
6 with the resources and associated values of the herit-
7 age area.

8 **SEC. 8. EFFECT ON CERTAIN AUTHORITY.**

9 (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND
10 ENVIRONMENTAL REGULATION.—Nothing in this Act—

11 (1) imposes an occupational, safety, conserva-
12 tion, or environmental regulation on the heritage
13 area that is more stringent than the regulations that
14 would be applicable to the land described in section
15 4(b) but for the establishment of the heritage area
16 by section 4; or

17 (2) authorizes a Federal agency to promulgate
18 an occupational, safety, conservation, or environ-
19 mental regulation for the heritage area that is more
20 stringent than the regulations applicable to the land
21 described in section 4(b) as of the date of enactment
22 of this Act, solely as a result of the establishment
23 of the heritage area by section 4.

24 (b) LAND USE REGULATION.—Nothing in this Act—

1 (1) modifies, enlarges, or diminishes any au-
 2 thority of the Federal Government or a State or
 3 local government to regulate any use of land as pro-
 4 vided for by law (including regulations) in existence
 5 on the date of enactment of this Act; or

6 (2) grants powers of zoning or land use to the
 7 management entity.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
 10 priated to carry out this Act \$10,000,000, to remain avail-
 11 able until expended, of which not more than \$1,000,000
 12 may be used in any fiscal year.

13 (b) FEDERAL SHARE.—The Federal share of the cost
 14 of any project or activity carried out using funds made
 15 available under this Act shall not exceed 50 percent.

16 **SEC. 10. TERMINATION OF AUTHORITY.**

17 The authority of the Secretary to make any grant or
 18 provide any assistance under this Act shall terminate on
 19 September 30, 2016.

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